

CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
January 18, 2011

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

December 21, 2010

January 4, 2011

5. **REPORTS OF STANDING COMMITTEES**

6. **CITIZENS' COMMENTS – AGENDA MATTERS**
(Five Minutes per Individual – No Yield)

7. **REPORTS OF ADMINISTRATIVE OFFICERS**

A. Senior Citizens

B. Community Service Coordinator

C. Fire Chief

December Monthly Report

D. Police Chief

December Monthly Report

E. Engineer/Streets/Public Utilities

F. Finance Director

G. City Manager

H. Report of Mayor

Appt-Sr. Citizen Commission

Appt-Park Board

I. Parks & Recreation Board

J. Law Director

8. **THIRD READINGS**

Resolution 39-10: A Resolution By the Council of the City of Canal Fulton to Enter Into An Agreement With the Stark County Public Defender Commission and the Ohio Public Defender Commission to Provide Municipal Ordinance Representation for Indigent Defendants and Declaring an Emergency.

Ordinance 12-10: (TABLED): An Ordinance By the Council of the City of Canal Fulton Authorizing The Number of Full-Time Skilled Operators In The City Utility Department And Repealing Any Ordinance In Conflict Therewith.

Ordinance 14-10: (TABLED) An Ordinance By The Council Of The City Of Canal Fulton Authorizing The Employment Of A Part-Time Skilled Operator In The City Utility Department.

9. **SECOND READINGS** - None

10. **FIRST READINGS** - None

11. **PURCHASE ORDERS & BILLS**

December Financial Statement, Purchase Orders and Bills to be Presented at Meeting

BILLS: \$

12. **OLD/NEW/OTHER BUSINESS**

13. **REPORT OF PRESIDENT PRO TEMPORE**

14. **REPORT OF SPECIAL COMMITTEES**

15. **CITIZENS COMMENTS – Open Discussion**
(Five Minute Rule)

16. **ADJOURNMENT**

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COUNCIL MEETING

Mayor John Grogan called the December 21, 2010 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Sue Mayberry, Linda Zahirsky, Danny Losch, Nellie Cihon, Matthew Moellendick, and Paul Bagocius

Absent: None

Mayor Grogan stated to let the record reflect that Mrs. Charlson is absent due to illness, and Mr. Svab will be serving as the interim Clerk.

Others Present: Mark Cozy, City Manager; Daniel Mayberry, Service Director; Scott Fellmeth, Law Director; Ray Green; Chief; David Frisone, Police Chief; Scott Svab, Finance Director; Chell Rossi, Gary Hosking and James Deans, Residents; and Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

No minutes were presented due to Mrs. Charlson's illness.

REPORTS OF STANDING COMMITTEES

Safety Committee Meeting: Mr. Bagocius reported the safety committee met on December 21, 2010 at 6:00 PM with the Lawrence Township Trustees to review the current agreement between the City and the Township.

Lawrence Township Trustees shared with the committee what they would be doing this year regarding the fire department. The committee advised that they would review.

CITIZENS' COMMENTS – AGENDA MATTERS

Gary Hosking: Mr. Hosking stated he is present on behalf of the City worker's represented by the Teamsters, Local 24. He asked for Council to consider tabling Ordinance 12-10 and Ordinance 14-10 until contract negotiations are completed between the City and the union. He stated there have been comments made back and forth about the utility positions and it was stated the hours could be increased and the position could be held with certain negotiations in the contract. The Teamsters have not had a chance to negotiate the contract. He stated to pass it at this point without doing the negotiations, would not be right. This is the reason they are requesting that these ordinances be tabled.

Mr. Hosking stated referencing all three ordinances that reflect the utility department, he would encourage all of council to review the proposal that was presented at the last meeting and would like to see them take a little more time to look and see if they can work out the differences in it to possibly come to a better conclusion than doing a lay-off or reducing the hours of the workforce.

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REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Red-Eye Special: The Center will be doing a Red-Eye Special to New York City on April 8-9, 2011. More information to come.

Boston Trip: The Center will be going to Boston from October 5-11, 2011. The cost is \$525/pp.

Senior Center Building: Mrs. Cihon stated she would like to thank Mr. Deans for doing the floors at the Center.

Swiss Steak Dinner: A swiss steak dinner will be held on January 22 serving from 4:00-6:30 PM. The dinner cost is \$9.00.

Lunch: The Center will be serving lunch on January 25 serving from 11:00 AM – 5:00 PM. The cost is \$4.50.

Mr. Bagocius asked if the trips are profit makers for the center. Mrs. Cihon stated they do make profit from the trips.

COMMUNITY SERVICE (*John Murphy, Coordinator*) – No report submitted.

FIRE CHIEF (Ray Green):

Volunteer Members: Chief Green stated he has two appointments for the volunteer board and needs a voice motion from council. He stated in the event of a line-of-duty death, this board would meet and determine the validity of the line of duty incident so that the family could be awarded through the State of Ohio.

Mayor Grogan asked how many serve on the board presently from our department.

Chief Green stated there are two members from our department, two members from the legislative authority and a fourth member. Chief Frisone has volunteered to serve as the fourth member. Chief Green stated he needs two members from Council to serve on the board.

Mrs. Zahirsky moved to appoint Mrs. Cihon and Mr. Moellendick to serve on the Volunteer's Firefighter's Dependents Fund Board, seconded by Mrs. Mayberry. **ROLL: Yes, Mr. Bagocius, Mr. Losch, Mrs. Zahirsky and Mrs. Mayberry. Abstain, Mr. Moellendick and Mrs. Cihon.**

Chief Green was excused at this time to return to work.

POLICE DEPARTMENT (*Dave Frisone, Chief*) – No report.

ENGINEER/STREETS/PUBLIC UTILITIES (*William Dorman/Dan Mayberry*):

Ohio EPA Water Treatment Plant Annual Report: Mr. Mayberry stated there was a letter from the Ohio EPA that was included in the packet.

He stated there were no deficiencies noted in the most recent survey of the Canal Fulton Public Water System. He stated one of the

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recommendations was the Canal Fulton rate structure falls below the records on the system's service area based on an average daily use of 7,756 gallons per month. They recommended the water rates be re-evaluated and increased as necessary so the City will be able to seek funding and future improvements.

The Ohio Rural Community Assistance Program (RCAP) offers training seminars for local officials in water and wastewater capacity development. They listed a telephone number and website address for further information.

Mr. Mayberry said the report stated that Canal Fulton maintains a thorough set of records on the operation and maintenance of the water system.

Mayor Grogan stated in the seven years he has been Mayor, this is the first time he has received or a report was given by Mr. Mayberry that was received from the EPA.

Mr. Mayberry stated sometimes the letters come in address to the Mayor and Council and at times addressed to him.

Mr. Bagocius stated this information is pertinent. He stated he would rather read this report from the EPA now than to read it tomorrow.

Mrs. Zahirsky stated she has never seen anything before either and where are the ones from the prior seven years.

Mr. Moellendick stated it is pertinent because they wouldn't have the need to discuss the water rate increase. He stated he had previously pointed out that they are the second lowest rate in the study.

Mrs. Zahirsky stated they aren't doing it based upon cost of living, they are doing it based upon the actual household income, which has nothing to do with how much it is going to cost to run the department.

Mrs. Zahirsky stated she would like to see the last two or three years of these reports.

Mayor Grogan stated he has never seen any of these reports before, not to blame, but why haven't they seen these reports before.

Mr. Mayberry stated they sometimes come to the Mayor's office. Mr. Mayberry stated he will produce any previous copies.

Mayor Grogan stated they have to wait for this kind of legislation is before them before they see any of these reports. He stated Council should have received previous copies before they got to this point and now having this before them at the eleventh hour, and wonders where the previous reports have been since this one isn't addressed to the Mayor or Council or Administration.

Mr. Lukinac stated the last inspection from the EPA was approximately three years ago.

Mayor Grogan asked Mr. Lukinac if they are on a schedule of every three years.

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Mr. Lukinac stated they are random inspections, but they do notify that they will be coming. The one prior to that was approximately the same as this one.

Mr. Lukinac stated he has been in the position of Superintendent for the past twelve years, and this is only the third time that an EPA inspector has showed up at the water plant.

Mayor Grogan stated he now understands that they don't receive these reports yearly, but in the seven years that he has served he has never seen a report before and wants to know why now?

Mr. Losch stated that this greatly concerns him because this is information that they would have based a lot of decisions on, as far as the water rates and could have made a big difference. Mr. Losch stated when they get legislation on the table, they need to be prepared and need all information to make sound decisions.

Mayor Grogan stated they need to be prepared in advance to know what is going on in order to make informed decisions. He stated it appears they have had several meetings that they could have received this information at.

Mrs. Zahirsky stated they would have still had the residents complaining about the rates.

Mayor Grogan stated he would not have written an article and put it out there had he had this information.

Mrs. Zahirsky stated they all knew that the rates were the second lowest in Ohio.

Mayor Grogan stated wasn't that their intention, to keep the rates that way and to do the best they could to maintain that level?

Mrs. Zahirsky stated if they are going to keep them at that rate and they are still transferring hundreds of thousands of dollars from the general fund, they are not charging adequate rates. She stated it didn't take the Ohio EPA to tell them this. This is information that she has shared previously from the auditor's report and she has told all of them that the auditor told them this.

Mr. Mayberry stated to answer the question about the receipt of the letter, the city received this letter late and he thought the meeting on December 16, 2010 was primarily for the FOP.

Mayor Grogan stated he has a copy of the last minutes and Mrs. Mayberry had even sent out emails that she wanted copies of what was going out because she wasn't getting them in time and other council members weren't getting them in advance. He stated he instructed the clerk to put out a full agenda and in that case in the full agenda meeting when they went over the contract, it would have been a great time to implement the letter. He stated we are trying to appease members of council when they ask for certain things.

Mrs. Mayberry asked the Mayor if he is saying that this letter alone is going to change his mind. She stated just because the letter was dated

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December 9 doesn't mean that is when it was received. She feels this is just a scapegoat.

Mayor Grogan stated he just feels that they need to be given the information when it is received. He stated this isn't a scapegoat because his position has always been from day 1 that he wasn't in favor of a rate increase.

Law Director Fellmeth stated as a point of order in looking at this, this is the first time he has seen this on a rate structure. The most important part to him from the Ohio EPA, is the water rates are too low and if they are not increased, the city cannot get any subsidy or assistance in the future. This is what concerns him.

Mrs. Mayberry stated the rates have been low since 2002. It was stated by some members that she had her chance to vote on a rate increase and she voted no.

Mrs. Mayberry stated she gave her reason for voting no and that was because there was no plan. She stated there isn't any combining of capital and not getting grants.

Mr. Mayberry stated that the finance director and he have talked excessively about the water rate survey that is performed by the Ohio EPA and have given copies to council members that have requested it and have given them the internet website to view the full report. He stated Mr. Svab and he have attended RCAP courses and have talked to council. He stated sometimes he loses track of time, but he has reported on these things. He stated he would challenge any member to go to any other entity in the state of Ohio and try to find a part-time utility superintendent. It would be difficult. He stated it is essentially what Canal Fulton has, because the position spends about 50% of his time administering the division of ground water and drinking water and the other half of his time to surface water and water pollution control. He stated they have a limited number of staff and sometimes they are lost in the forest of trees with so much hitting them.

Mayor Grogan stated with a smaller group of people the communication flow would be even better. He stated he could understand with a larger group, he could under a bureaucracy and things getting lost and miscommunicated. He stated with what Mr. Mayberry is saying that there is only a few of them and information is still getting lost.

Mr. Mayberry stated it isn't necessarily lost; it is a matter of focusing and utilizing the resources and immediate tasks at hand. They are essentially running from one fire to another.

Mr. Deans stated he feels before the first meeting in January, that Council needs to get together and review the information.

FINANCE DEPARMTENT (Scott Svab)

November Financial Statement: Mrs. Zahirsky moved that they are in receipt of the November Financial Statements, seconded by Mrs. Cihon.
ROLL: Yes, ALL.

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Mr. Svab stated the bills are included in the packet.

Mr. Svab stated during the discussion phase of Ordinance 15-10, he stated he has a handout which the current month-to-date fund report. He shows the water debt and the need to transfer \$115,000 from the general fund. He stated the unencumbered fund has a -\$117,000 and part of this is the loan payment for the water treatment plant that was paid in December out of that fund in lieu of knowing they had to transfer the funds. The remaining encumbered money is for OPWC zero interest loans for water debt that is due by January 30, 2011.

Mayor Grogan stated so the record reflects, the line item he is referring to is line item 441, water debt, is \$117,000, not the \$115,000. Mr. Svab stated correct, the \$115,000 is what he is asking council to approve to transfer.

Mr. Bagocius asked for an explanation on the percentages for income tax revenues. Mr. Svab reviewed.

Mrs. Mayberry asked if the \$100,000 received from First Energy Solutions is part of the budget.

Mr. Svab stated it is unappropriated funds in the general fund and there was no specific area to be earmarked. He stated this is one of the good reasons to start a reserve fund; there is an ordinance on the agenda for the reserve fund, but it isn't quite the language that he favored at the last meeting, but if approved it will be started and be able to transfer some of the unappropriated funds into the reserve fund. As they go into the following year appropriations, he is sure they will be amending. Also looking at the carry-over, what little he projects, they may be able to transfer money into the managed reserve fund, if council chooses.

Mrs. Mayberry asked about the interest on the water and sewer funds.

Mr. Svab stated it is posted to the general fund according to state law. He stated they could post it into the water and sewer funds if council deems, but without an ordinance, they are to be distributed to the general fund as they have in the past. He stated there has never been an ordinance or suggestion to put the water and sewer interest in those funds since he has been employed.

Mrs. Mayberry asked how much interest has been earned over the few years. It was stated it would be less than \$3,000 for 2010 and could have been as much as \$40-\$60,000 in the past.

CITY MANAGER (Mark Cozy)

OPWC Grants: Mr. Cozy stated the City did not receive the OPWC grants for the Canal Street paving and the Smail's Pond projects.

Donation of Land: Mr. Schalmo would like to donate the lot in Discovery Park II that one of the cities lift stations sits on. He will be drafting a deed proposal when he comes back from Florida. This land sits on Summer Evening. There is an asphalt service drive. The lot abuts the backyards of homes. He stated it could benefit the city in future maintenance on the

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lift station because they wouldn't have to seek work agreements from multiple owners.

Mayor Grogan asked for an estimate of work hours it would take to take care of that property.

Mr. Mayberry stated it would take approximately an hour and a half to mow.

Mrs. Zahirsky stated we would be paying the watershed taxes biannually.

Mr. Svab stated the taxes would be \$12.00.

Mr. Svab asked why we would want to take the land if we have easements.

Mr. Mayberry stated we have a sanitary easement and if they had to get an easement, the City would have to get a work agreement with the property owners. If they had control of the land, they would have to do this. He stated most of the times the owners will give work agreements, but there has been an instance where someone wouldn't give an agreement.

Mr. Moellendick stated they shouldn't negotiate anything, to just keep the easement and not to have to pay the taxes.

Mr. Cozy stated they will wait and review the description of the property.

Scenic Railroad: Mrs. Mayberry asked Mr. Cozy if he had received the information regarding the scenic railroad. Mr. Cozy stated he received a packet last week with maps and diagrams. He completed a letter describing what they were and sent to the Floyd Browne Group on Friday for review and comments.

Mr. Cozy stated what this will do is let the railroad company know what the layout recommendations would be and how it would impact the railroad company.

PARKS & RECREATION BOARD – Not Present

LAW DIRECTOR (Scott Fellmeth) – No Report

THIRD READINGS

Ordinance 11-10: (TABLED) An Ordinance To Make Appropriations For the Current Expenses and Other Expenditures of The City of Canal Fulton, County of Stark, Ohio, During the Fiscal Year Ending December 31, 2011, And Declaring An Emergency.

Mrs. Zahirsky stated she wanted to bring this off the table but wanted to know if he made the changes she had requested.

Mr. Svab stated he didn't for two reasons: he didn't feel comfortable with an oral request, having gone through three readings and going through the Finance Committee and he apologizes only for the fact that he wasn't able to get in touch with the Law Director and prepare resolutions so that it can be properly done and voted on by the body. He stated for someone to just tell him that at a meeting that they should do what she requested

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and take out from the contingency fund and put it in the reserve fund, he didn't think that was something he should do at that time without a full council vote. He stated if they want to amend the legislation and it gets approved, he will be more than happy to bring the appropriation back in with those amendments, but unless council decides to vote and amend the appropriations, he didn't feel he should switch it because she didn't have full councils vote, she just said at the meeting to change it.

Mrs. Zahirsky made a motion to bring Ordinance 11-10 to the table, seconded by Mr. Losch. **ROLL: Yes, Mrs. Mayberry, Mrs. Zahirsky, Mr. Losch, Mr. Moellendick and Mrs. Cihon. No, Mr. Bagocius.**

Mr. Bagocius stated he is reluctant to bring it back to the table until they resolve Ordinance 12-10, 13-10, and 14-10 because he feels they are all intertwined. He would like to see the outcome of these ordinances.

Mr. Svab stated that would be fine, but he would caution council if the budget is not passed by January 1 or a temporary budget, there will be nothing paid January 1, no payroll or any other bills.

Mayor Grogan stated it is now a third reading and to see if there are going to be any amendments to the ordinance.

Mrs. Zahirsky moved to amend Ordinance 11-10, line item 101.120.5690 Mayor and Admin - Contingency, to be changed from \$15,000 to \$3,000 and line item 101.120.5680 Mayor and Admin - Discretionary Purchases from \$5,000 to \$2,000, seconded by Mr. Bagocius. **ROLL: Yes, Mrs. Mayberry, Mrs. Zahirsky, Mr. Losch, Mr. Cihon, and Mr. Bagocius. No, Mr. Moellendick.**

Mr. Losch stated it was his understanding that some of those funds would be used to support grants. He would consider making the amount a little higher.

Mrs. Zahirsky stated she appreciates Mr. Losch's concerns, but if it was in contingency funds, they could move it out. She stated she didn't know there were grants out there that we haven't already appropriated funds to cover them.

Mayor Grogan stated but we don't know what 2011 holds for grant proposals and if going into 2012 it wasn't used, it gets rolled back in anyways. He wanted to know why we are placing this on the chopping block when we don't know what 2011 is going to hold.

Mrs. Zahirsky stated if you look back five or six years ago, those amounts weren't in the budget.

Mr. Svab stated it has been reduced, because at one time he believes it was \$30-40,000. He stated any purchase order over \$3,000 needs approved by council. He stated they had originally allocated some to the fire victims and then didn't use and then allocated it to the Senior Center. He said these are emergencies you can never plan for. He stated when the budget is set, this is a line item you can pull from.

Mrs. Mayberry asked what the amounts were last year and thought they were the same.

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Mayor Grogan stated they were higher. He stated they have had different grant monies coming in from the years past, for the downtown train station project and the water and sewer on Marshallville and some other dollars they knew about in 2009 and they budgeted for it in 2010, which brought the contingency fund up. He stated it is actually half to what it has been in years past.

Mrs. Zahirsky asked why those types of issues wouldn't be within the water/sewer instead of under Mayor/Administration.

Mayor asked if that is something they are looking at transferring to as opposed to cutting it or transferring it. He stated it could be any type of grant.

Mrs. Zahirsky stated it isn't making any sense if they are looking at water and sewer grants out of that fund.

Mrs. Mayberry stated what concerns her is at the last meeting she remembers Mrs. Zahirsky talking to the finance director to change this and between then and now, for her not to have the courtesy of being contacted that he isn't going to do what he said he would do and wanted to know who the authority is.

Mr. Svab stated should he have done that on the request of one council. He wanted to know if another council makes a request is he to follow that direction. He stated this is why they spent six months of meetings and that Mrs. Mayberry was present. He stated the more he thought out it, he felt Mrs. Zahirsky was out of line.

Mrs. Zahirsky stated she appreciates what he has said and takes what he said and she is not arguing.

Mr. Moellendick asked if they take these funds and reduce them and put the monies toward the reserve fund, that they have not passed the reserve fund ordinance to be established, so where does the money go until it is established?

Mr. Svab stated he has \$10,000 going into the reserve fund from the unappropriated balance at the end of the year.

Mr. Moellendick asked if they can reduce these line items and say they are going to put into the reserve that hasn't been established yet and asked how they could pass with the amendment.

Mr. Svab stated the funds could be reduced and become part of the unappropriated balance. He stated it doesn't have to be put anywhere into the budget, it would be money that is available that is unappropriated.

Mr. Svab stated when Mrs. Zahirsky made the request to reduce the two accounts there was never another fund established. He stated there was never another fund set up to transfer the money to and this is why he had a hard time accepting the request.

For passage of Ordinance 11-10, as amended:

Mrs. Zahirsky moved for passage of Ordinance 11-10 as amended, seconded by Mr. Losch. **ROLL: Yes, Mr. Losch, Mrs. Zahirsky, Mrs. Cihon, and Mr. Moellendick. No, Mrs. Mayberry and Mr. Bagocius.**

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Mrs. Mayberry asked if the Heritage Society is out of the picture for the operation of the Canal Boat or are they offering assistance?

Mr. Cozy stated they are not in a position to at this time.

Mrs. Mayberry asked how much money is budgeted for the Summer Works Program.

Mr. Svab stated the same amount as last year, \$10,000.00

Mr. Bagocius asked if the overall budget is 1% lower, taking out water and sewer. Mr. Bagocius feels this is an important issue. He stated he is disappointed in the process and that Mr. Svab made a statement earlier about six months being spent on the budget. He counts they spent at most a month that they have had these figures and to make such a decision in a short time is not prudent. He stated to not know the percentage of the decrease is an important issue.

Mr. Svab stated he didn't calculate the percentage.

Mayor Grogan stated he agrees, not having all the facts presented in a timely manner can create some downfalls.

He would like to offer an amendment for this ordinance to be approved as a temporary budget.

Mayor Grogan stated an amendment can't be made under the discussion phase, it has already been seconded. He stated the amendment should have taken place prior to the motion taking place.

Mayor Grogan stated if it is voted down, then an amendment could be made.

Mrs. Zahirsky stated they started back in October and they had six weeks of the ordinance being read.

Mr. Bagocius stated the figures came to them almost the day of the first reading.

Mrs. Zahirsky stated these numbers were worked on in the finance committee meetings and maybe he didn't understand what they were doing. She apologizes if he didn't understand where these numbers were going to show up because it doesn't look the same. She stated it isn't just a month.

Mayor Grogan stated this process over the years it has been the same, months on end of looking at the figures from the department heads and reviewing them. He stated he knows this is the first time Mr. Bagocius has looked at them on this side of the table and understands his viewpoint on it. He stated this isn't out of the normal.

Mr. Bagocius stated earlier in the year, they talked about the Granville Model and the finance committee proposed that the administration come back and give them their version, which they did and then it was dropped. He stated part of the Granville Model was that they start the budget process July 1. He states he remembers the finance committee meetings and talking about the different department budgets. He stated some

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figures were arrived, and there was some confusion because at one point someone thought the police vehicle was approved. He stated there was not a lot of clarity. He stated when doing the budget it needs to be very systematic and that he is disappointed in the process. He stated they were given the final figures a couple days before the first reading. He stated they had all three readings in less than a month. They did all the readings in two and a half weeks.

Mr. Moellendick stated he feels it is systematic because when a budget is developed, the cost estimates are based on historic data, so from year to year, there is historic data from each department spends in each line item and can forecast the number. The department heads also present their wish lists and it gets dwindled down to the point that it makes sense. He stated for him to say it isn't systematic is incorrect.

Mrs. Zahirsky stated the Granville Model said they should have the final budget ready to read by October 15 and they had theirs ready by November 6.

Mr. Bagocius stated they didn't start the process until October and the Granville model stated to start the process in July.

Mrs. Zahirsky stated they can't start the budget until they know how much money they are going to have.

Mr. Bagocius stated he understands what they are saying but there is a basic philosophical disagreement.

Mrs. Mayberry asked what the status of the concern Ordinance 12-10 and Ordinance 13-10 as it relates to Ordinance 11-10 where Mr. Bagocius had asked earlier about passing Ordinance 11-10 before they deal with Ordinance 12, 13 and 14.

The Law Director asked for a point of order, that Ordinance 11-10 is in the third reading and they haven't gotten to the other ordinances.

Mrs. Mayberry stated she was concerned about those ordinances.

Law Director Fellmeth stated they can vote yes or no.

Mayor Grogan stated that the ordinance is in the third reading and they have to deal with that ordinance first.

Ordinance 12-10: An Ordinance By the Council of the City of Canal Fulton Authorizing the Number of Full-Time Skilled Operators in the City Utility Department and Repealing Any Ordinance in Conflict Therewith.

Mrs. Zahirsky moved to table Ordinance 12-10, seconded by Mrs. Cihon.
ROLL: Yes, ALL.

Ordinance 13-10: An Ordinance By the County of the City of Canal Fulton to Amend Ordinance 16-94 Passed March 17, 1994 Regarding Utility Department Superintendent.

Mrs. Zahirsky moved for passage of Ordinance 13-10, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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Mr. Bagocius stated he didn't receive any statements from anyone in regards to the written statement that Mrs. Mayberry and he presented and wanted to know if anyone had any now.

Mrs. Cihon stated Mrs. Mayberry should abstain from the written statement because it is a conflict of interest because of her husband. She stated in the fifth paragraph of the statement, it states Mr. Mayberry sat in on the meeting.

Mrs. Cihon stated anything that has to do with her husband; she should abstain because it is a conflict of interest in her opinion.

Mrs. Mayberry stated is it for reducing his salary?

Mrs. Cihon stated to her anything that has to do with her husband; she should abstain from it because of conflict of interest.

Mrs. Mayberry stated in a group, which is not affecting him singly by himself that she could vote on an ordinance across the board that would affect his pay, so long as it is included in a group. This is in accordance to the nepotism rules.

Law Director Fellmeth and Mayor Grogan said she can't. She would need to separate Mr. Mayberry from the vote and vote on the rest of it.

Mrs. Mayberry stated pulling him out singly would be the problem.

Law Director Fellmeth stated legally she would have to abstain from passing judgment on something involving her husband on the statement. He stated the statement involves her husband, and she should abstain from it and this is what Mrs. Cihon and he are suggesting.

Mrs. Mayberry asked if she could find this in the nepotism policy.

Law Director Fellmeth stated they could discuss this after the meeting or anytime that is convenient, he isn't trying to make this contentious in any way.

Mrs. Mayberry stated she is not trying to do anything for her husband; she is trying to protect a person in this city that doesn't need what he is getting right now.

Mayor Grogan stated he does agree with the opinion of the law director and she needs to refrain from any votes that either have an issue or another with her husband.

Mrs. Mayberry stated they better read the nepotism rules.

Mayor Grogan stated Mrs. Mayberry better adhere to the decorum of the proceedings, they can always end the proceedings and suspend them until such time and they are not going to engage in these types of activities until they can have some type of civil dialogue.

Mrs. Mayberry asked them if the proposal was shot because of this.

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Mayor Grogan asked if it was a question or a statement.

Mr. Bagocius stated the reason he brings the joint statement up again is because he thinks instead of Ordinance 13-10 passing, which puts a burden on one person, as opposed to the many that benefited from using water funds, this proposal solves the immediate crisis, it is fair and it proposes a long-term solution to a problem that should not be solved by knee jerk reaction of raising rates. He stated if there is some objection to any of this from any council member, he would like to know what the objections are because they could possibly be worked through. He stated if there are not objections from any council members, then his point is this would be fairer than Ordinance 13-10 and would hope Ordinance 13-10 would be voted down.

Mrs. Zahirsky stated number 5 under the second initiative is illegal based on Fair Labor Standards and ORC. She stated they have exempt employees and you cannot ask them to take a furlough day a month. It cannot be done. It is a violation of Fair Labor Standards. He stated the ORC stated they cannot reduce their salaries while they are in office. They can reduce the next council person's salary, but they cannot reduce theirs. She stated if they are more than willing to give their salary back to the city, they will still pay taxes on it because they have received it by ordinance.

Law Director Fellmeth stated also if you have a contract, it is in violation of the contract.

Mrs. Mayberry asked why this wasn't brought up before when Mr. Svab asked for an hour cut off across the board.

Mrs. Zahirsky stated she has made this statement previously.

Mayor Grogan stated they don't know that this proposal would work. They are speculating what it would be. He stated they said it would cure the situation and they don't know that.

Mrs. Zahirsky stated she didn't know how they were going to get the \$400,000 for the reserve fund.

Mrs. Zahirsky stated about the reapportion of the salaries that are coming 100% from the water fund be shared 50% with the sewer fund. She stated she doesn't know whose salary this would be and is sure this is something administration will be reviewing. She feels this may be something they can do. This is certainly though not going to bring them out of the \$180,000 hole.

Mayor Grogan stated to reflect the record that the document that is outlying is kind of skirting the motion on Ordinance 13-10 and there can be discussion on it as long as it is relevant to Ordinance 13-10.

Mrs. Zahirsky stated she doesn't feel a 10% for reduction for the City Manager and the Finance Director is adequate for the work they do for water and sewer, as well as the others that are on it. Mrs. Zahirsky stated they would be taking away from the general fund and the general fund is being used to supplement the water fund.

Mr. Bagocius stated Mrs. Mayberry and he don't object to raising rates, they object to raising them in a way to resolve a crisis as they come up.

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They objected before to the water rate increase because it was a short term fix.

Mayor Grogan stated it was out there for a year that he didn't want to raise rates. He stated this proposal could have been given to them a lot earlier, but there wasn't any given so they went by what they were told.

Mr. Bagocius stated there isn't a sustainable budget and if we continue to operate the way we are operating we are going to be facing the same discussions year after year. He stated the fifth element of the plan creates the framework for the sustainable budget. He stated to answer the question about where the money is going to come from, if residents know there is a plan and know the money is being used wisely, and then they are willing to pay for good water.

Mayor Grogan stated Mr. Bagocius is reviewing a document he made without any public review or committee review and citing his own writing is a stand-alone fix all and asked how he can do this without any outside review.

Mr. Bagocius stated this is why he would like to see Ordinance 13-10 tabled. Mr. Bagocius stated he wants council to know there is an alternative to the motion.

Mr. Losch stated there is an alternative to the motion because there is newfound information that could also bring the possibility of a rate increase next year and this could be another solution. He stated as far as the document, it hasn't been researched and there are way too many questions in it and he wouldn't consider adopting at this time.

Mr. Bagocius stated if Ordinance 13-10 was defeated, he would want the proposal to go through committee and be analyzed. He is not proposing it be adopted now, but it is a framework to start and will change through the process. But, if they don't develop a sustainable budget they will have this discussion year after year.

Mr. Moellendick asked why they didn't see these thoughts back when they were discussing the rate increase and he spent all the time putting together information to justify the rate increase. He stated everything else has been cut to the bone, and the only thing left to do is increase rates or cut salaries. He stated at no time did either of them discuss this information. He stated this would have been extremely helpful to ponder when they were talking about the rate increases. He stated in his opinion it is too late, other than to table the ordinance. He felt it was too late to discuss this proposal.

Mrs. Zahirsky stated this may only be a temporary fix. They may come back in six months and pass the rate ordinance.

Ordinance 14-10: An Ordinance By the Council of the City of Canal Fulton Authorizing the employment of a Part-Time Skilled Operator in the City Utility Department.

Mrs. Zahirsky moved to table Ordinance 14-10, seconded by Mrs. Cihon.
ROLL: Yes, ALL.

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Mayor Grogan stated to let the record reflect that Resolution 39-10 was on the agenda under Second Readings and has had two readings already and should be placed under Third Readings.

Resolution 39-10: A Resolution By the Council of the City of Canal Fulton And the Ohio Public Defender Commission to Provide Municipal Ordinance Representation for Indigent Defendants And Declaring an Emergency. **ROLL: Yes, ALL.**

SECOND READINGS - None (SEE ABOVE)

FIRST READINGS

Ordinance 15-10: An Ordinance Amending Ordinance 45-09, and providing for the Transfer of Funds and/or Increasing Appropriations Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency.

Mr. Svab stated the emergency clause if for the purpose of not allowing the funds to go in the negative at year end.

Mrs. Cihon moved to suspend the rules on Ordinance 15-10, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Svab stated this is for additional money in the funds. When they projected the budget last year, he projected a 3% water rate increase, and they didn't receive it because the cost of living increase, as well as the water operating fund normally is solvent enough to transfer some additional monies of 541 fund into the water debt. The handout he gave is the current fund balance. He stated the December revenue hasn't been posted, but all they have is \$62,000 in the water operating fund at this point. He stated there aren't any funds to transfer into the water debt. They have depleted that in the last few years. He stated the water debt currently only collects \$6,000 a month with the present ratio of collections from the water department, although they receive roughly \$100,000. He stated those monies are attributed to each one, the water department funds, 441 water debt and 541 operating debt and 341 capital water projects. This was a ratio that worked at one time, but as debt increased and revenues stabilized or decreased then the ratio was never changed. He stated at that time, they were eating away at the reserve funds and transferring the money at the end.

Mr. Bagocius stated if he understands correctly, the \$115,000 does not include the usual transfer of \$60,000. Mr. Svab stated correct.

Mr. Bagocius wanted to know if the city paid back the \$300,000 loan to the sewer fund for the park.

Mr. Svab stated yes. He stated it would have been projected in the statement.

Mr. Bagocius asked if the \$26,000 under engineering services was because of the \$25,000 purchase order. It was stated yes. Mr. Bagocius asked how much of that would be reimbursed to the city through grants.

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Mr. Svab stated he didn't know. He spoke with CTI today and he paid the final amount for the \$25,000 and there are additional bills outstanding. He needs to get with OPWC. He spoke with the City Manager today and to the engineer at CTI because there are various projects that are in the process of getting some engineering funds back.

Ordinance 16-10: Establishing Fund 800 To Be Titled "Reserve Fund" and Declaring an Emergency.

Mr. Svab stated the declaration for the emergency is so they can begin this fund this current year and transfer the appropriations from the general fund to the reserve fund and it will be available into the 2011 budget.

Mrs. Cihon moved to suspend the rules on Ordinance 16-10, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage under suspension, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

PURCHASE ORDERS

Bills: \$96,686.51

Mrs. Cihon moved that they have received the bills in the amount of \$96,686.51, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Mr. Bagocius asked in addition to the \$10,000 that was allocated for the reserve fund, will the reduction from the contingency fund and discretionary fund monies be put in that fund for 2011.

Mr. Svab stated it will.

Mayor Grogan said so that council is aware, if there are any grant monies out there, they have a strong possibility of not being able to acquire now because of the actions of council tonight.

Mr. Losch asked about the \$100,000 funds from the grant money from First Energy Solutions, if there are any ideas.

Mr. Svab stated that will be what's left over in the carry over. He stated when they reappropriate additional funds from within the budget, that is monies that have not been appropriated and they have been eating away at that. He stated they didn't put it in a fund and dedicate it to any particular item.

Mrs. Zahirsky stated they would have been in a lot of trouble had they did that. They wouldn't have been able to make the transfer to the water fund.

Mr. Bagocius asked how they move the grant money from First Energy Solutions into the reserve fund.

Mr. Svab stated when they close the year and see what the carry-over is in the part that isn't budgeted then they can do a resolution to amend it and transfer the unappropriated balance into the fund.

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Mrs. Mayberry stated the concern about conflict about those having water and sewer percentages taken out of their pay and Mr. Mayberry being one of the them and the fact that her suggestion to do that to save the city money is a conflict. She stated she has read some past minutes and would like to ask if something is a conflict and if not wanted to know why.

Mrs. Mayberry stated she had a concern about the 60% increase in salary in December 2008 for the law director. He stated he received a 37% increase in salary in 2008.

Mayor Grogan stated he isn't going to allow this into a schoolyard verbal brawl. He told Mrs. Mayberry there was a decorum. He stated they were given a legal opinion by the Law Director and whether she appreciates it or likes or dislikes it, it isn't the point. If she has a concern referencing old/new or other business, outside of questioning an opinion from the law director they will entertain it.

Mrs. Mayberry stated on December 16, 2008, Mayor Grogan stated that with the Law Director's business primarily coming from the surrounding area he has lost some revenue because he has had to turn away clients because of his position here. He stated they need to consider the loss of revenue there. Mrs. Mayberry stated that is his personal business. She stated we subsidized his loss by raising his salary from \$16,000 to about \$25,000.

Mayor Grogan stated we didn't do anything; it was the previous council that made the decision to increase his salary.

Mrs. Mayberry stated it was in 2008.

Mayor Grogan asked if Mrs. Mayberry is asking them to render some type of option about previous council.

Mrs. Mayberry asked what the difference of a conflict from what was stated tonight and what happened in 2008?

Mr. Moellendick stated that Mr. Fellmeth didn't have an opinion in the matter.

Mrs. Mayberry stated he was part of it.

Mr. Moellendick stated Mr. Fellmeth didn't have a vote or an opinion, the vote was from six of them. He stated Mrs. Mayberry has missed the point, that he didn't have any part of the conversation.

Mrs. Mayberry stated he did. She stated the Mayor had requested a proper review with Mr. Fellmeth and the Finance Director regarding his loss of revenue. She stated this was in the minutes. She asked what the difference in conflict is.

Mayor Grogan stated because he did not vote on it and that he does not vote on matters.

Mr. Moellendick stated she has the right to say yes or no which is passing judgment on an issue, but she is passing judgment on something that affects Mr. Mayberry.

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Mrs. Mayberry stated she understands he doesn't vote, she stated it is with council.

It was asked by several members where the conflict is.

Mrs. Mayberry stated in the Ohio Ethics, Nepotism. She stated the laws prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

Mr. Dean stated he takes exception to it because he voted on it and there wasn't any nepotism. He stated she doesn't understand the word.

Mrs. Mayberry stated subsidizing someone's business with taxpayer money, is not a problem?

Mayor Grogan stated she could render that objection to the Ohio Ethics Commission; she could write them or call them and get a ruling on it.

Mrs. Mayberry stated that he who is without sin and cast the first stone, and want to cast them at her, she stated for them to go back and look at what they have done in the past.

Mr. Losch stated he didn't feel anyone was casting anything at her. They are saying about wanting her to be very careful and was just giving her recommendations.

Mrs. Mayberry stated she is careful and trying to do a job to serve the city.

Mr. Losch stated he feels she is and understands and they just want to give her a recommendation to be cautious is what he heard.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) - None

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule) - None

ADJOURNMENT

Mayor John Grogan moved to adjourn the December 21, 2010 meeting at 8:52 pm. The next regular scheduled meeting is January 4, 2011 at Canal Fulton City Hall, Council Chambers.

Scott Svab, Interim Clerk

John Grogan, Mayor

**RECORD OF PROCEEDINGS
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COUNCIL MEETING

Mayor John Grogan called the January 4, 2011 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Paul Bagocius, Nellie Cihon, Danny Losch, Sue Mayberry, and Matthew Moellendick, and Linda Zahirsky.

Absent: None

Others Present: Mark Cozy, City Manager; Tammy Charlson, Clerk of Council; Daniel Mayberry, Service Director; Scott Fellmeth, Law Director; Ray Green; Chief; David Frisone, Police Chief; Scott Svab, Finance Director; Ray Durkee, Assistant Fire Chief; Rochelle Rossi and James Deans, Residents; Sara Batko, Chamber of Commerce; James Ciciora, Fire Department; Jason Berczik and Family, Fire Department; Joan Porter, Repository

Election of ProTempore: Mrs. Cihon moved to nominate Mrs. Zahirsky for President ProTempore, seconded by Mr. Losch. **ROLL: Yes, Mr. Bagocius, Mrs. Cihon, Mr. Losch, Mrs. Mayberry, Mr. Moellendick. Abstain, Mrs. Zahirsky.**

Election of Committee on Committee Members:

Mrs. Cihon and Mr. Bagocius volunteered to serve on the committee.

Mrs. Zahirsky moved to nominate Mrs. Cihon, seconded by Mr. Losch. **Roll: Yes, Mr. Bagocius, Mr. Losch, Mrs. Mayberry, Mr. Moellendick, and Mrs. Zahirsky. Abstain, Mrs. Cihon.**

Mrs. Zahirsky moved to nominate Mr. Bagocius, seconded by Mr. Losch. **ROLL: Yes, Mrs. Cihon, Mr. Losch, Mrs. Mayberry, Mr. Moellendick and Mrs. Zahirsky. Abstain, Mr. Bagocius.**

Mrs. Cihon moved to have the Committee on Committee meeting on January 18, 2011 at 6:30 PM, seconded by Mr. Bagocius. **ROLL: Yes, ALL.**

Adopt Council Rules - 2011: Mrs. Cihon moved to Adopt Council Rules - 2011, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to adopt the record of proceedings for the December 16, 2010 meeting, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Bagocius made the following correction on Page 2 under Joint Fire District Meeting, second line, it should read: met and they voted on recommending Canal Fulton and Lawrence Township living together with a Joint Fire District goal within six months (received the most votes, 4 out of 9).

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Mrs. Mayberry stated on Page 2, last sentence, she didn't say this isn't what was presented by the Trustees.

Mrs. Zahirsky stated she had said that.

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS

Sara Batko, Chamber of Commerce: The Chamber of Commerce is going to be sponsoring a chili cook-off in coordination with the school districts Community Fun Day on January 30, 2011. They are looking for group participation to get involved in the event.

The Mayor would entertain the police and fire to participate in the event with him.

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Swiss Steak Dinner: A swiss steak dinner will be held on January 22, 2011, serving from 4:00-6:30 PM. Call the Center for reservations.

Lunch: Lunch will be served at the Center on January 25, 2011, serving from 11:00 AM to 2:00 PM.

COMMUNITY SERVICE (*John Murphy, Coordinator*) – Written monthly and year end reports, included in the packet.

FIRE CHIEF (Ray Green):

Probationary Appointments: Mayor Grogan stated the Chief has presented to him two new probationary appointments for the fire department and has reviewed their credentials and would recommend them to the department.

Jason Berczik: Mr. Berczik is a Basic EMT and just completed Firefighter II school. Chief Green stated according to the instructors, he passed with really good grades.

James Ciciora: Mr. Ciciora works for Lawrence Township Fire Department and comes highly recommended. He has completed the drug/alcohol screening through that department. He is finishing up a bachelor's degree next year. At that point, he would like to begin paramedic schooling.

Mrs. Zahirsky moved to appoint James Ciciora to the fire department as a basic EMT/firefighter, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to appoint Jason Berczik, contingent upon passage a of drug/alcohol screening, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Blood Drive for Ryan Twewin: Chief Green stated they had an awesome turnout. They received 84 good donors. They exceeded their goal.

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Cencom Contract: Chief Green stated there will not be an increase for 2011. The rate will remain at \$32 per call. He is going to track calls to Lawrence Township and make sure we aren't billed for them.

Total Calls: Chief Green stated there were 1,017 calls for 2010. There was an increase in calls for service. They had 7 structure fires for the year.

Waterside Fire: Chief Green stated they have been in contact with the managers. They have indicated they are working with their insurance company regarding rebuilding. They have been told about the deposit.

POLICE DEPARTMENT (Dave Frisone, Chief)

Month End Report – Chief Frisone stated he will have the month end report next month. He will have the annual report at the first meeting in February. They had over 4,500 calls for the year.

Missing Person: Chief Frisone distributed a flyer on Charles Miller, who lived on Canal Street since August, is missing. He was last seen walking from his home. There doesn't appear to be any foul play but not ruling out.

ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/Dan Mayberry): No Report

Ohio EPA Information: Mr. Bagocius asked if the packet they received from Mr. Mayberry was from the Ohio EPA. It was stated yes.

FINANCE DEPARTMENT (Scott Svab)

End of Year: Mr. Svab stated he has been working on closing out the year.

EMS Revenue: Mr. Svab reported there has been \$107,887 received from EMS runs.

Income Tax Collections: Mr. Svab reported the income tax collections are down 4% from last year's collections. He stated December was down 14%. This may have been due to how the work week fell, as the department was closed on Friday. He will have a full report next meeting.

Mr. Bagocius asked if the new budget that was passed last meeting, if water and sewer was taken out, what percentage of the budget is left. What would the increase be to the general fund?

Mr. Svab stated he didn't have time, but will look into it for him at the next meeting.

CITY MANAGER (Mark Cozy)

Executive Session: Mr. Cozy stated he would like to request executive session for the purpose of reviewing negotiations.

CTI Contract: Mr. Cozy stated he received a 2 year agreement from CTI. Mr. Cozy wants to review with Mr. Dorman and hopefully will have proposal for next meeting.

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Mr. Bagocius asked if we are going to put it available for bid.

Mr. Cozy stated he will get some cost comparisons from some other entities to present at next meeting.

Canal Boat-Expense/Revenue: Mr. Cozy gave members a year-to-date expense and revenue report for the Canal Boat.

He has with him a sample agreement from the Heritage Society if members would like to review. It is the same as the past two years.

Mr. Bagocius stated he knows there was discussion about expenses going through Administration and wants to make sure this is done. He stated there needs to be a business plan to make sure they are breaking even or making money.

Mr. Cozy stated this isn't a money maker.

Mr. Bagocius stated he isn't interested in making money, but interested in breaking even.

Mayor Grogan stated we would need to completely take over the control of the boat in order to break even or make money and he doesn't think this is something the Heritage Society wants to do and he doesn't think that is something the city wants to do.

Mr. Cozy distributed the year-end-totals for the Canalway Center. He stated if we eliminated one of the daily rides, maybe they could break even.

Mr. Bagocius stated if they don't expect to break even they won't. He stated they need to make a plan to live up to the expectations.

Mayor Grogan stated he is open to suggestions/recommendations.

Mrs. Mayberry stated they were presented with a proposal previously for a mural in the amount of \$5,000 and doesn't feel we should entertain this at this time.

Mr. Svab stated the salaries were only \$5 difference from 2009 to 2010. He stated if they eliminate one horse, it will make the gap narrower.

It was stated rope and a harness was purchased and was to be reimbursed through a grant.

Mechanic: Mr. Cozy reported that the city mechanic rendered his resignation today. He accepted a position with the City of Alliance.

He would like to advertise for a part-time mechanic at this time. He would like to get the ad in by this weekend.

There weren't any objections.

PARKS & RECREATION BOARD – Not Present

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MAYOR

Massillon – 2011 Prisoner Transportation Contract: Mayor Grogan stated he has the renewal contract for the 2011 Prisoner Transportation in the amount of \$7,260.00. It is based on previous year's prisoner transport costs. There are no changes from last year.

The City is billed quarterly for exactly how many are transported.

Mrs. Cihon moved to approve the 2011 Prisoner Transportation Contract as submitted, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Appointments:

Civil Service Commission (3 Year Term): Mayor Grogan recommended they re-appoint Mr. Ron Fallert.

Mrs. Zahirsky moved to re-appoint Mr. Ron Fallert, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Tax Incentive Review Council – CRA (3-Year Term): Mayor Grogan recommended they re-appoint Rochelle Rossi and Linda Zahirsky.

Mrs. Cihon moved to re-appoint Ms. Rossi and Mrs. Zahirsky, seconded by Mrs. Mayberry. **ROLL: Yes, Mr. Bagocius, Mrs. Cihon, Mr. Losch, Mrs. Mayberry and Mr. Moellendick. Abstain, Mrs. Zahirsky.**

Senior Citizens Commission (2-Year Term): Mayor Grogan made the following recommendations to serve on the board, Shawn Lockhart, John Murphy, Cindy Wilson and Rochelle Rossi.

He recommended that Wilma Hardgrove be reinstated.

He also recommended the re-appointment of Bob Conley.

Mrs. Zahirsky moved to appoint Mr. Lockhart, Mr. Murphy, Mrs. Wilson and Ms. Rossi, seconded by Mr. Losch. **ROLL: Yes, Mr. Bagocius, Mr. Losch, Mrs. Mayberry, Mr. Moellendick and Mrs. Zahirsky. Abstain, Mrs. Cihon.**

Mrs. Zahirsky moved to reinstate Mrs. Hardgrove and reappoint Mr. Conley, seconded by Mr. Losch. **ROLL: Yes, Mr. Bagocius, Mr. Losch, Mrs. Mayberry, Mr. Moellendick and Mrs. Zahirsky. Abstain, Mrs. Cihon.**

HPC – 4-Year Term: Mayor Grogan recommended re-appointing the following: Bill Dorman, John Workman and Rochelle Rossi.

Mrs. Cihon moved to re-appoint Mr. Dorman, Mr. Workman and Ms. Rossi, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Planning Commission – 4-Year Term: Mayor Grogan recommended to re-appoint John Workman and Don Schwendiman.

Mrs. Cihon moved to re-appoint Mr. Workman and Mr. Schwendiman, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

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LAW DIRECTOR (Scott Fellmeth) – No Report

Mr. Bagocius asked about motions for tabling and amending. He reviewed some information on-line about Roberts Rules. He gave the Law Director the information and asked for a ruling from the Law Director for the next meeting.

EXECUTIVE SESSION:

Mrs. Zahirsky moved to adjourn to executive session at 8:05 PM from the regular meeting on January 4, 2011 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, with mayor, council members, law director, city manager, service director, finance director and police chief present, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to return to public session at 8:40 PM, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

As a result of the executive session, Council moved forward with Ordinance 12-10.

THIRD READINGS

Ordinance 12-10: (TABLED) An Ordinance By the Council Of The City Of Canal Fulton Authorizing The Number Of Full-Time Skilled Operators In The City Of Canal Fulton Authorizing The Number Of Full-Time Skilled Operators In The City Utility Department And Repealing Any Ordinance In Conflict Therewith.

ORDINANCE REMAINS TABLED

Mrs. Zahirsky asked Mr. Cozy if he would like Ordinance 12-10 brought back to the table and voting it down.

Mr. Cozy stated he got a call from the union today that they voted to accept the proposal.

Mrs. Zahirsky stated to reassure the Teamsters that it will be pulled off the table at the next meeting.

Mrs. Zahirsky moved to approve the tentative agreement with the Teamsters Local 24, as proposed to the City Manager, seconded by Mrs. Cihon. **ROLL: Yes, ALL**

Mayor Grogan stated to let the record reflect that this recommendation is being made outside of what is on the agenda, but it available on the record.

Ordinance 14-10: (TABLED) An Ordinance By The Council Of The City Of Canal Fulton Authorizing The Employment Of A Part-Time Skilled Operator In The City Utility Department.

ORDINANCE REMAINS TABLED

SECOND READINGS - None

RECORD OF PROCEEDINGS
CITY OF CANAL FULTON

Minutes of

Meeting

GAYTON LEGAL BLANK CO. FORM NO. 10488

January 4, 2011

Held

19

FIRST READINGS

Ordinance 1-11: An Ordinance To Adjust The Pay Scale And Fund Percentage For Various City Employees Of Canal Fulton, Effective January 1, 2011, And Repealing Any Ordinances In Conflict Therewith, And Declaring An Emergency.

Mr. Svab stated the emergency is to be in compliance with auditors for the 2011 payroll.

Mrs. Zahirsky moved to suspend the rules on Ordinance 1-11, seconded by Mrs. Cihon. **ROLL: Yes, Mr. Bagocius, Mrs. Cihon, Mr. Losch, Mr. Moellendick and Mrs. Zahirsky. No, Mrs. Mayberry.**

Mr. Bagocius asked if there was any reason they didn't receive this parallel with the budget process. Mr. Svab stated they didn't have the rate of pay for the Utility Superintendent.

Mr. Losch moved for passage under suspension, seconded by Mrs. Cihon. **ROLL: Yes, Mrs. Cihon, Mr. Losch, Mr. Moellendick and Mrs. Zahirsky. No, Mr. Bagocius and Mrs. Mayberry.**

Mr. Bagocius stated for the record he is going to vote no on this because Mrs. Mayberry and he presented a proposal over a month ago with remedies for the water department and if he voted yes he would be concurring the percentages from the water fund are adequate.

Mrs. Mayberry stated after she made her comment at the last meeting, about the law directors salary, she is also voting no on this ordinance.

Purchase Orders - None

Bills: \$53,493.31

Mrs. Cihon moved that they are in receipt of the bills, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mr. Moellendick asked if the bill to Floyd Browne is being paid out of a previous approved purchase order. It was stated yes.

Mr. Bagocius asked about the check to Top of the Viaduct. He stated he attended the party and ate the food, but he feels guilty that the taxpayers paid for it. He would be happy to reimburse. He would like to see the administration come up with a procedure for when there are parties or flowers that need to be sent, that those monies come out of a privately donated fund.

Mrs. Cihon stated the party is to thank the employees for their good work.

OLD/NEW/OTHER BUSINESS

Mr. Bagocius stated in regards to the chili cook-off, he would be willing to coordinate a group. He will send out an email to see who is interested in doing it as a group.

RECORD OF PROCEEDINGS
CITY OF CANAL FULTON

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

January 4, 2011

Held

19

Mr. Bagocius moved to have administration share with council an alternative plan for flowers, parties and/or similar situations that are not funded by the citizens, seconded by Mrs. Mayberry. **ROLL: Yes, Mr. Bagocius and Mrs. Mayberry. No, Mrs. Cihon, Mr. Losch, Mr. Moellendick, and Mrs. Zahirsky.**

Mr. Bagocius stated he doesn't feel it is right for the taxpayers. He stated if it is a thank you, as council members, administration should be thanking them.

Mayor Grogan stated the contingency fund was used for that before.

Mrs. Zahirsky stated this wasn't an outrageous amount. If it was, then there would be concern about it.

Mrs. Mayberry stated the citizens pay our salaries and some are upset because they don't want them to pay for the party.

Mr. Losch stated they need to create synergy and good moral for the employees.

Mr. Moellendick stated Mr. Bagocius is introducing and asking for private funds for a party and all he can think of is lobbying.

Mr. Bagocius stated they need to be good stewards of the taxpayers' money.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) -

200th Anniversary – 2014: Mrs. Zahirsky stated it would be good to get volunteers to work on a committee for a celebration for the cities 200th Anniversary.

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule) - None

ADJOURNMENT

Mayor John Grogan moved to adjourn the January 3, 2011 meeting at 8:59 PM. The next regular scheduled meeting is January 18, 2011 at Canal Fulton City Hall, Council Chambers.

Tammy Charlson, Clerk of Council John Grogan, Mayor

Canal Fulton Fire Department

Incident Type Report (Summary)

Alarm Date Between {12/01/2010} And {12/31/2010}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	1	1.85%	\$0	0.00%
114 Chimney or flue fire, confined to chimney	1	1.85%	\$0	0.00%
	<u>2</u>	<u>3.70%</u>	<u>\$0</u>	<u>0.00%</u>
3 Rescue & Emergency Medical Service Incident				
3112 EMS Call handled by Mutual Aid	13	24.07%	\$0	0.00%
3211 EMS call	26	48.14%	\$0	0.00%
324 Motor Vehicle Accident with no injuries	1	1.85%	\$0	0.00%
	<u>40</u>	<u>74.07%</u>	<u>\$0</u>	<u>0.00%</u>
5 Service Call				
5001 Service Call, Handled by Mutual Aid	2	3.70%	\$0	0.00%
522 Water or steam leak	1	1.85%	\$0	0.00%
5711 Station Coverage	5	9.25%	\$0	0.00%
	<u>8</u>	<u>14.81%</u>	<u>\$0</u>	<u>0.00%</u>
7 False Alarm & False Call				
736 CO detector activation due to malfunction	1	1.85%	\$0	0.00%
745 Alarm system activation, no fire -	1	1.85%	\$0	0.00%
	<u>2</u>	<u>3.70%</u>	<u>\$0</u>	<u>0.00%</u>
9 Special Incident Type				
9005 Fire call handled by mutual aid	1	1.85%	\$0	0.00%
9006 Investigation handled by mutual aid	1	1.85%	\$0	0.00%
	<u>2</u>	<u>3.70%</u>	<u>\$0</u>	<u>0.00%</u>

Total Incident Count: 54

Total Est Loss: \$0

REPORTS, ARRESTS, CITATIONS & WARNINGS

December 1, 2010 through December 31, 2010

OFFENSES

Breaking & Entering and/or Burglary	
<i>(Includes Attempted)</i>	0
Robbery <i>(Includes Attempted)</i>	0
Theft	
<i>(Includes bad checks, identity and drive-offs)</i>	10
Domestic <i>(Includes Violence and Disputes)</i>	3
Juvenile Offenses	3
Criminal Mischief / Criminal Damaging	1
Drug Related Offenses	1
Menacing and Aggravated Menacing	1
Vandalism/Property Crimes	0
Harassment <i>(Includes Phone)</i>	4
Alcohol Related	7
Disorderly Conduct	0
Assault	0
Missing Persons	1
Shots Fired	0
Sex Offense	0
Solicitors	0
Fight	0
Suicide	0
TOTAL OFFENSES	31

PUBLIC SERVICE

Public Service Calls	12
Disturbance Calls	8
Suspicious Activities	
<i>(Includes persons, vehicles, circumstances)</i>	10
Assist Lawrence Township Police Department	13
Assist Medical Squad / Fire	10
Assist Other P.D.	2
Alarms	10
911 Hang Ups	1
Attempted Suicide	0
Threats	2
Security Checks	69

TOTAL PUBLIC SERVICE CALLS **137**

MISCELLANEOUS CALLS

Includes, but is not limited to:

lock-outs, animal complaints, fingerprinting, escorts, welfare checks, unwanted subjects, civil matters, loud music, neighbor disputes, disabled vehicles, follow-ups, lost and/or found property, notifications, open doors, trespassing, extra patrol, attempts to serve warrants.

TOTAL MISCELLANEOUS CALLS **54**

TRAFFIC INCIDENTS:

Speed and/or Assured Clear Distance	8
Stop sign and/or Traffic Signal	1
Juvenile Offense	0
Seat Belt Violation	1
Parking Problems (Total)	5
<i>Parking Citations Issued: 4</i>	
Written Warnings	5
Verbal Warnings	21
Driver's License Violations	1
Registration Violations	0
Failure to Control	0
Wrongful Entrustment	0
OVI	3
Marked Lanes	1
Failure to Yield	0
Peeling Tires	1
Vehicle Violations	0
Left of Center	0
TOTAL TRAFFIC INCIDENTS:	47

ACCIDENTS

Property Damage Only:	3
Injuries:	0
Private Property Accident:	4
Hit/Skip Accident	0
TOTAL ACCIDENTS	7

TOTAL CALLS OF SERVICE: **276**

From all of the above calls, the following numbers represent the amount of arrests that resulted from said call:

ARRESTS MADE:	7
WARRANTS SERVED:	1
TOTAL	8

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc. Form No. 30045

Resolution No.

39-10

Passed

December 21, 2010

UNDER SUSPENSION
THE RULES

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON
TO ENTER INTO AN AGREEMENT
WITH THE STARK COUNTY PUBLIC
DEFENDER COMMISSION AND THE
OHIO PUBLIC DEFENDER COMMISSION
TO PROVIDE MUNICIPAL ORDINANCE
REPRESENTATION FOR INDIGENT
DEFENDANTS AND DECLARING AN
EMERGENCY.

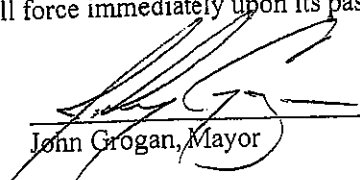
WHEREAS, The City of Canal Fulton has sought a proposal for Municipal Ordinance Representation for Indigent Defendants, and

WHEREAS, The Stark County Public Defender Commission and the Ohio Public Defender Commission has submitted a proposal acceptable to the City to provide the professional legal services needed to accomplish this.

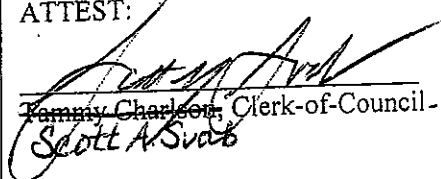
NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

Section 1: The City of Canal Fulton agrees to enter into an agreement with the Stark County Public Defender Commission and the Ohio Public Defender Commission to provide professional legal services for Indigent Defendants pursuant to Section 3 of the pre-existing Contract for Municipal Ordinance Representation commencing January 1, 2011 and terminating December 31, 2011.

Section 2: The Resolution is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety and welfare of the City of Canal Fulton, such emergency arising from the expiration of the current contract on December 31, 2010, wherefore this Resolution shall take effect and be in full force immediately upon its passage.


John Grogan, Mayor

ATTEST:


Tammy Charlson, Clerk-of-Council - Interim
Scott A. Svob

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution 39-10, duly adopted by the Council of the City of Canal Fulton, on the date of 12-21-10

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 12-10

Passed _____, 20____

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON
AUTHORIZING THE NUMBER OF
FULL TIME SKILLED OPERATORS
IN THE CITY UTILITY DEPARTMENT
AND REPEALING ANY ORDINANCE
IN CONFLICT THEREWITH.

WHEREAS, The City of Canal Fulton Utility Department currently has
authorization to employ four (4) full time Skilled Operators, and

WHEREAS, the Council of the City of Canal Fulton desires to adjust the
number of positions under Skilled Operator.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF CANAL FULTON OHIO THAT:

The City of Canal Fulton Utility Department is authorized to employ three
(3) full time Skilled Operators and repealing any Ordinance in conflict therewith.

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk-of-Council

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do
hereby certify that this is a true and correct copy of Ordinance ____10, duly
adopted by the Council of the City of Canal Fulton, on the date of _____.
2010, and that publication of the foregoing Ordinance was duly made by posting
true and correct copies thereof at five of the most public places in said
corporation as determined by Council as follows: Post Office, Public Library,
Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council
Chambers each for a period of fifteen days, commencing on the ____ day of
____, 2010.

Tammy Charlson, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 38843

Ordinance No. 14-10

Passed _____, 20____

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON
AUTHORIZING THE EMPLOYMENT
OF A PART TIME SKILLED
OPERATOR IN THE CITY UTILITY
DEPARTMENT.

WHEREAS, the Council of the City of Canal Fulton desires to add the position of part-time Skilled Operator in the Utility Department.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON OHIO THAT:

The City of Canal Fulton Utility Department is authorized to employ a part-time Skilled Operator limited to twenty-four (24) hours per week.

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk-of-Council

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____ 10, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2010, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the _____ day of _____, 2010.

Tammy Charlson, Clerk-of-Council

SEF/bp